

REMARKS/ARGUMENTS

In this Response, claims 79, 81, 100, 110, 120-122, 127, 131, 134, 136-138, 144, 152, and 156-157 have been amended. Claims 123-126, 128-130, 132-133, 135, 139-143, 145-148, 150-151, 153-155 have been canceled in this amendment and claims 1-79 were previously canceled. No new claims were added. Therefore claims 79-122, 127, 131, 134, 136-138, 144, 149, 152, and 156-169 remain pending in this application. Claims 79, 100, 120, 138, 156-157, and 159 are independent claims.

Claim Rejection under 35 U.S.C. § 103

Claims 79-169 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto (U.S. Pat. No. 6,111,604) in view of Tendler (U.S. Pat. No. 5,555,286) and further in view of Cheng (U.S. Pat. No. 5,957,718).

Claims 79-119 and 159-169

Independent claims 79 and 100 recite “[a] portable mobile entertainment and information apparatus of handheld size and weight comprising” among other things, “a sensor for detecting any one or a combination of a sound, motion, and images.” Claim 79 further recites the feature that “upon the sensor detecting any one or a combination of a sound, motion, and images, the microphone is activated to capture audio data within a range of the cellphone.” Claim 100 further recites the feature that “upon the sensor detecting any one or a combination of the sound, motion, and images, either one or both of the microphone is activated to capture real-time sounds or the camera is activated to capture real-time images within a range of the cellphone.”

Independent claim 159 recites “[a] portable mobile entertainment and information apparatus of palm handheld size and weight” comprising, among other features, “a device adapted for wireless connection to the Internet and for uploading and downloading data between the Internet and an internal memory” and “a sensor for detecting any one or a combination of low ambient light, motion, sounds, light, image, acceleration or deceleration.”

There is no corresponding disclosure in Hashimoto, Tendler or Cheng as to a cellphone having the above-described features.

Hashimoto discloses a digital electronic camera for connection to an external device such as a personal computer which is intended to “overcome problems pertaining to the actual connection of the camera to the external device, the conversion of signal levels from a level used by the processor within the camera to a level compatible with a communication interface, the detection of a connection of the camera to the external device, and the manner of assembling the information to be transmitted.” Hashimoto, at col. 1, lines 52-58.

Contrary to the characterization in the Office Action, Hashimoto **does not disclose** “a portable handheld multimedia recorder/player/**cellular telephone apparatus**.” *Id.* at page 2. Examiner cites Figures 1A, 1B, and 8 as supporting the Examiner’s characterization of Hashimoto; however, Applicant notes that Figures 1A and 1B illustrates two different perspective views of a **digital camera** and Figure 8 “is a functional block diagram of the electrical aspects of the digital camera.” Hashimoto, at col. 2, lines 46-50 and col. 3, lines 6-7. The only reference in Hashimoto of a cellular phone is to a “communication card which for example may function as a LAN card, a

modem card either for a conventional wired telephone system or a cellular phone..."

Hashimoto, at col. 7, lines 5-8. This is entirely different from providing a cellphone within a portable mobile entertainment and information apparatus of handheld size and weight. Moreover, such cards have no ability to record data. Moreover, Hashimoto does not disclose, teach or suggest the sensor described and claimed in claims 79 and 100.

Tendler and Cheng fail to make up for the deficient teachings of Hashimoto. Tendler is generally directed to a cellular phone based emergency vehicle/vessel location system. The cellphone in Tendler is limited to providing location information and communicating that location information to others.

While Tendler does disclose the use of an activation detector 24, the activation detector is configured to detect DTMF activation tones or equivalent bus signals from the keypad 12. See Tendler, at col. 6, lines 27-36. Upon detection of DTMF tones or equivalent bus signals, the cellular phone is caused to go off the hook and dial a preset telephone number which is to receive the location information or other emergency message relating to the cellular phone.

This is distinguishable from the sensor described in claims 79 and 100, wherein the sensor activates a microphone or a camera to capture sound or images, respectively. Unlike Applicant's claimed invention, Tendler does not disclose, teach or suggest a cellphone that has the capacity for recording audio data received from a microphone to a memory or a camera that is adapted to capture images. Moreover, Tendler does not disclose a sensor that is configured to detect sound, motion and/or

images and that upon such detection, activates the microphone or camera to capture the sound or images, respectively.

Nor does Cheng disclose the features claimed in claims 79 and 100. Cheng discloses "a device for receiving a SIM (Subscriber Identification Module) chip card of a portable telephone set, which can be freely inserted into or slid out of an open slot formed in the telephone set without detaching the battery unit or using a tool." Cheng, at col. 1, lines 7-11. Thus, the memory card disclosed in Cheng relates specifically to a SIM chip card, which is not an interactive memory that is capable of storing and transmitting data captured by the cellphone, such as sounds, images, and combined sounds and images; rather, the SIM card functions as an electronic key. Thus, there is no disclosure, teaching or suggestion in Cheng of a cellphone that has the capacity for recording audio data received from a microphone to a memory or a camera that is adapted to capture images. Moreover, Cheng does not disclose a sensor that is configured to detect sound, motion and/or images and that upon such detection, activates the microphone or camera to capture the sound or images, respectively.

Because no combination of Hashimoto, Tendler and Cheng disclose, teach or suggest each and every element of independent claims 79, 100 and 159, and therefore claims 80-99, 101-119, and 160-169 depending therefrom, Applicant respectfully submits that claims 79-119 and 160-169 are allowable over Hashimoto in view of Tendler and/or Cheng.

Claims 120-122, 127, 131, 134, 136-138, 144, 149, 152, 156

The claims in this group have been amended to include the new matter submitted in this C-I-P application. No showing has been made of a device which

responds to preselected external stimuli in cooperation with a cellphone to acquire data and can transmit the information from memory.

Because no combination of Hashimoto, Tendler and Cheng disclose, teach or suggest each and every element of independent claims 120, 138, and 156 and thus the claims depending therefrom, Applicant respectfully submits that claims 120-122, 127, 131, 134, 136-138, 144, 149, 152, and 156 are allowable over Hashimoto in view of Tendler and/or Cheng.

Claims 157-158

Applicant's memory card recited in claims 157 and incorporated into claim 158 is distinguishable from the SIM card described in Cheng. As previously stated above, the memory card disclosed in Cheng is a SIM chip card of a portable telephone set and functions as an electronic key.

In contrast, the memory card described and claimed by Applicant is not a SIM card or an electronic key but an interactive memory that is capable of recording data, such as sounds, images, combined sounds and images, textual data, GPS information data, and the like. In addition, Cheng does not disclose a replaceable memory card and socket that are "operatively connected to at least one of a microprocessor, a microphone, a remote microphone, an earphone, a display, a camera, a GPS or a jack for at least one of recording, reproducing or transferring data."

Neither Hashimoto nor Tendler make up for the deficient teachings of Cheng. Because no combination of Hashimoto, Tendler and Cheng disclose, teach or suggest each and every element of independent claim 157 and thus the claims depending

therefrom, Applicant respectfully submits that claims 157-158 are allowable over Hashimoto in view of Tendler and/or Cheng.

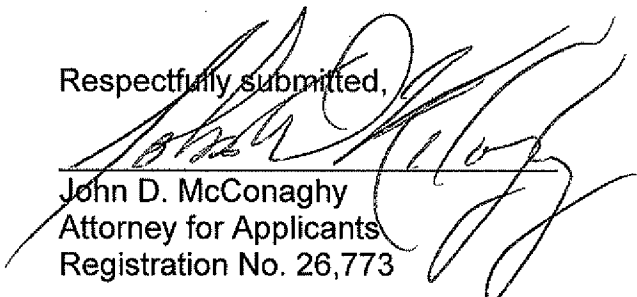
Conclusion

In view of the foregoing, Applicant respectfully requests that the rejection of claims 79-169 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

The Director is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 50-3683.

Respectfully submitted,

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